



PRELIMINARY DRAFT
No. 3143

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2014 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-17.2-3.5.

Synopsis: Child care regulation. Specifies requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment.

Effective: July 1, 2014.



A BILL FOR AN ACT to amend the Indiana Code concerning
Human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-17.2-3.5-5, AS AMENDED BY P.L.225-2013,
SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2014]: Sec. 5. (a) A provider shall have

(1) ~~working smoke detectors that meet the standards adopted by
rule for smoke detectors in licensed child care homes; and~~

(2) hot and cold running water
in the area of the facility where the provider operates a child care
program.

(b) A provider shall ~~meet sanitation standards for bathrooms and
handwashing, as established by the division. maintain compliance
with food, health, safety, and sanitation standards as determined
by the division under rules adopted by the division under section
15 of this chapter or in accordance with a variance or waiver
approved by the division under IC 12-17.2-2-10.~~

(c) The food, health, safety, and sanitation standards adopted
under subsection (b) must include all the following requirements:

(1) Bathroom and hand washing.

(2) Safe conditions in and on the grounds.

(3) Maximum capacity limits for the number of children
receiving care.

(4) Nutrition.

(5) Daily activities.

(6) Safety of motor vehicles used to transport children.

SECTION 2. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.225-2013,
SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2014]: Sec. 5.5. (a) A provider shall ensure that a child in the
provider's care is continually supervised by a caregiver.

(b) A provider ~~who~~ **that** cares for children who are less than twelve
(12) months of age shall:

(1) complete the training course provided or approved by the
division under IC 12-17.2-2-1(10) concerning safe sleeping



practices; and

(2) ensure that all caregivers of children who are less than twelve (12) months of age follow safe sleeping practices.

(c) A provider that cares for:

(1) not more than sixteen (16) children at a facility where the provider operates a child care program shall maintain a ratio of children to caregivers in the same proportions as the child to staff ratios that are required for a child care home under IC 12-17.2-5; and

(2) more than sixteen (16) children at a facility where the provider operates a child care program shall maintain a ratio of children to caregivers in the same proportions as the child to staff ratios that are required for a child care center under IC 12-17.2-4.

SECTION 3. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by a provider shall be present at all times when a child is in the care of the provider.

(b) The following apply to an individual who is employed or volunteers as a caregiver at a facility where a provider operates a child care program:

(1) The individual shall maintain current certification in first aid applicable to all age groups of children cared for by the provider.

(2) If the individual is:

(A) at least eighteen (18) years of age, the individual may act as a caregiver without supervision of another caregiver; or

(B) less than eighteen (18) years of age, the individual may act as a caregiver only if the individual:

(i) is at least fourteen (14) years of age; and

(ii) is, at all times when child care is provided, directly supervised by a caregiver who is at least eighteen (18) years of age.

~~(3) The provider must verify that an employee or a volunteer has received training concerning child abuse detection and prevention.~~

(3) Unless the provider is a parent, stepparent, guardian, custodian, or other relative to each child in the care of the provider, the individual must annually receive at least twelve (12) hours of continuing education approved by the division and related to the development and care of children of the same age as the age of children who receive care at the facility.

(4) Before beginning employment or volunteer duties, the



individual must receive a formal orientation to the facility and the child care program.

(5) Not more than three (3) months after the individual begins employment or volunteer duties, the individual must receive training approved by the division concerning child abuse detection and prevention.

(6) Not more than three (3) months after beginning employment or volunteer duties caring for children who do not yet attend first grade, the individual must receive training approved by the division concerning the department of education's early learning guidelines.

(c) A provider shall:

(1) maintain at the facility where the provider operates a child care program documentation of all training required by this section; and

(2) make the documentation available to the division upon request.

SECTION 4. IC 12-17.2-3.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A provider shall have at least one (1) working telephone in each facility where the provider operates a child care program.

(b) The telephone required by subsection (a) must be compatible with an automated time and attendance tracking system approved by the division.

SECTION 5. IC 12-17.2-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A facility where a provider operates a child care program must have two (2) exits that:

(1) do not require passage through a:

(A) garage; or

(B) storage area;

where hazardous materials are stored;

(2) are not windows;

(3) are on different sides of the facility;

(4) are not blocked; and

(5) are operable from the inside without the use of a key or any special knowledge.

(b) Beginning July 1, 2017, in addition to the requirements specified in subsection (a), a room:

(1) in which children who are not more than twenty-four (24) months of age receive care; and

(2) that is located in a facility where a provider operates a child care program;

must have at least one (1) exit that does not require the use of stairs.

~~(b)~~ (c) A provider shall:

(1) conduct monthly documented fire drills:



- 1 (A) in accordance with the rules of the fire prevention and
- 2 building safety commission; and
- 3 (B) that include complete evacuation of all:
 - 4 (i) children; and
 - 5 (ii) adults who provide child care;
- 6 in the facility;
- 7 (2) maintain documentation of all fire drills conducted during the
- 8 immediately preceding twelve (12) month period, including:
 - 9 (A) the date and time of the fire drill;
 - 10 (B) the name of the individual who conducted the fire drill;
 - 11 (C) the weather conditions at the time of the fire drill; and
 - 12 (D) the amount of time required to fully evacuate the facility;
 - 13 and
- 14 (3) maintain a two and one-half (2 1/2) pound or greater ABC
- 15 multiple purpose fire extinguisher:
 - 16 (A) on each floor of the facility; and
 - 17 (B) in the kitchen area of the facility;

18 in each facility where the provider operates a child care program.

19 **(d) Beginning July 1, 2017, a facility where a provider operates**
 20 **a child care program must meet the following requirements:**

- 21 **(1) If not more than sixteen (16) children are cared for at the**
- 22 **facility, the facility must have working smoke detectors and**
- 23 **means of egress that meet the requirements that apply to child**
- 24 **care homes under IC 12-17.2-5.**
- 25 **(2) If more than sixteen (16) children are cared for at the**
- 26 **facility, the facility must meet the requirements specified in**
- 27 **the building rules and fire safety rules adopted by the fire**
- 28 **prevention and building safety commission.**
- 29 **(3) If more than one (1) facility where a provider operates a**
- 30 **child care program is located in a single structure, each**
- 31 **facility must:**
 - 32 **(A) be separated from each other facility by walls and**
 - 33 **doors with a two (2) hour fire resistance rating; and**
 - 34 **(B) individually meet all requirements of this section.**

35 SECTION 6. IC 12-17.2-3.5-11, AS AMENDED BY P.L.225-2013,
 36 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 11. (a) A provider shall provide for a safe
 38 environment by ensuring that the following items are placed in areas
 39 that are inaccessible to the children in the provider's care:

- 40 (1) Firearms and ammunition.
- 41 (2) Poisons, chemicals, bleach, and cleaning materials.
- 42 (3) Medications.
- 43 **(4) Other items that pose a danger to children, as determined**
- 44 **by the division under rules adopted under section 15 of this**
- 45 **chapter.**
- 46 (b) A provider shall do the following with respect to transporting



children away from the facility where the provider operates a child care program:

- (1) Obtain written permission from the child's parent or legal guardian to transport the child.
- (2) Ensure that the child is transported only by an employee or a volunteer who:
 - (A) is at least eighteen (18) years of age;
 - (B) holds a valid driver's license; and
 - (C) transports the child in a properly licensed and insured motor vehicle.

SECTION 7. IC 12-17.2-3.5-16, AS ADDED BY P.L.225-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. **(a) The division may decertify a provider for any of the following reasons:**

- (1) The provider fails to comply with this chapter.**
- (2) The provider refuses to allow, during normal business hours, the division or an agent of the division to inspect the facility where the provider operates a child care program.**
- (3) The provider fails to correct a problem identified by the division within the period required by the division.**
- (4) Three (3) or more problems occurring within a twelve (12) month period are identified by the division, regardless of whether the provider corrects the problems within the period required by the division.**

(b) A provider is ineligible, and the division may revoke for a period of not less than two (2) years from the date on which a final determination is made under IC 4-21.5 a provider's eligibility, to receive a voucher payment under this chapter for any of the following reasons:

- (1) The provider is determined by the division to have made false statements in the provider's:
 - (A) application for eligibility to receive a voucher payment; or
 - (B) records required by the division;
 under this chapter.
- (2) Credible allegations of fraud have been made against the provider, as determined by the division.
- (3) Criminal charges of welfare fraud have been filed against the provider.
- (4) Allegations of welfare fraud committed by the provider have been substantiated by the division.
- (5) Any unresolved reasons for decertification described in subsection (a).**

SECTION 8. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. **(a) An employee or a volunteer shall immediately report to child protective services, the**



1 division, and local law enforcement authorities the employee's or
2 volunteer's suspicion of physical abuse, sexual abuse, child neglect,
3 or child exploitation of a child in the provider's care.

4 (b) A provider shall immediately notify the division and the
5 parent or legal guardian of a child in the care of the provider
6 concerning:

7 (1) an injury of the child that requires medical attention;

8 (2) the death of the child; or

9 (3) an emergency event involving the child.

